

CUBA

a. SUMMARY OF CLAIMS

TYPE	DATE	SOURCE	LIMITS	NOTES
I. TERRITORIAL SEA	Jun 01	Military Order No. 173	12nm	
	Jan 34	Decree-Law No. 108	6nm	
	Mar 36	Decree-Law No. 704	3nm	
	Jan 42	Decree-Law No. 7	3nm	
	Feb 77	Decree-Law No. 1	12nm	Recognized freedom of navigation and overflight of straits or channels used for international navigation.
II. ARCHIPELAGIC, STRAIGHT BASELINES, & HISTORIC CLAIMS	Jan 55	Decree-Law 1948		Claimed waters between main island and adjacent keys as internal where distance does not exceed 10nm between mainland and keys or between keys.
	Apr 75	Act No. 1292		Established straight baselines.
	Feb 77	Decree-Law No. 1		Establishes straight baselines; repealed 1975 Act. This claim is not recognized by the U.S. U.S. protested claim in 1983 and 1984 and conducted operational assertions in 1985, 1986 and 1987.
IV. CONTINENTAL SHELF	Apr 54	Presidential Decree No. 952	200m	
V. FISHING ZONE/EEZ	Mar 36	Decree-Law No. 704	3nm	Fishing zone.
	Jan 55	Legislative Decree	10nm	Necessary action may be taken to protect and conserve maritime resources beyond the territorial sea.
	Feb 77	Decree-Law No. 2	200nm	EEZ
VII. MARITIME BOUNDARIES	Jul 76	Diplomatic notes		Maritime boundary agreement with Mexico EIF. See <u>LIS</u> No. 104.
	Dec 77	Agreement		Maritime boundary agreement with U.S. signed; provisional agreement effective 1/1/78, pending permanent EIF following exchange of instruments of ratification. see <u>LIS</u> No. 110.
	Jan 78	Agreement		Maritime boundary agreement with Haiti EIF.
	Feb 94	Agreement		Maritime boundary agreement with Jamaica signed.

TYPE	DATE	SOURCE	LIMITS	NOTES
VIII. LOS CONVENTION	Dec 82			Signed
	Aug 84			Ratified, with a declaration rejecting the International Court of Justice as a forum for dispute settlement under Articles 297 and 298 and in cases where financial security has been posted for a vessel.

b. DOMESTIC LEGISLATION AND REGULATIONS

1. STRAIGHT BASELINES

A. LEGISLATION. Following is the text of Republic of Cuba Decree Law No. 1 of 24 February 1977.

Article 1

The territorial sea of the Republic of Cuba has a breadth of 12 nautical miles, measured from the baseline set forth herein. Its outer limit is constituted by a line each of whose points is located at distance equal to 12 nautical miles from the closest point of baseline.

Article 2

The baseline from which the breadth of the territorial sea of the Republic of Cuba is measured is constituted by the straight lines joining the outermost points of the coast, islands, islets, keys and emerged reefs surrounding it and determined by the following geographic coordinates.

	LATITUDE	LONGITUDE	LOCATION
1.	21°52.0'N	84°57.2'W	CABO SAN ANTONIO
2.	21°52.4'N	84°56.6'W	
3.	21°53.9'N	84°55.7'W	
4.	21°54.1'N	84°55.3'W	PUNTA CAJON
5.	22°09.6'N	84°45.0'W	BANCO SANCHO PARDO
6.	22°16.5'N	84°41.9'W	
7.	22°18.3'N	84°40.0'W	
8.	22°20.0'N	84°38.4'W	
9.	22°25.1'N	84°33.1'W	
10.	22°28.4'N	84°28.4'W	
11.	22°31.0'N	84°24.5'W	
12.	22°35.1'N	84°16.1'W	
13.	22°38.4'N	84°11.3'W	
14.	22°40.3'N	84°08.5'W	
15.	22°42.9'N	84°01.4'W	CAYO JUTIAS
16.	22°53.9'N	83°36.6'W	
17.	22°59.6'N	83°12.9'W	PUNTA GOBERNADORA
18.	23°08.7'N	82°23.6'W	PUNTA BRAVA
19.	23°09.0'N	82°21.4'W	PUNTA BARLOVENTO
20.	23°09.1'N	82°20.9'W	
21.	23°10.0'N	82°19.5'W	
22.	23°10.2'N	82°18.2'W	PUNTA COMPANILLA
23.	23°10.5'N	82°16.2'W	PUNTA GUAYACANES
24.	23°10.8'N	82°14.8'W	
25.	23°10.8'N	82°12.6'W	
26.	23°11.2'N	82°01.6'W	
27.	23°11.0'N	82°00.0'W	PUNTA TIJERAS
28.	23°16.0'N	81°05.2'W	CAYO MONO

	LATITUDE	LONGITUDE	LOCATION
29.	23°16.9'N	80°54.9'W	FARO CRUZ DEL PADRE
30.	23°13.6'N	80°19.6'W	
31.	22°56.8'N	79°45.4'W	CAYO LA VELA
32.	22°41.4'N	78°53.4'W	
33.	22°37.6'N	78°38.8'W	CAYOS GUILLERMITOS
34.	22°32.9'N	78°22.8'W	
35.	22°28.9'N	78°10.0'W	CAYO PAREDON GRANDE
36.	22°21.1'N	77°51.7'W	BAJD TRIBUTARIOS DE MINERVA
37.	22°11.5'N	77°39.8'W	CAYO CONFITES
38.	21°39.8'N	77°08.4'W	PUNTA MATERNILLOS
39.	21°16.1'N	76°21.4'W	
40.	21°07.6'N	75°43.0'W	
41.	21°06.9'N	75°41.7'W	
42.	21°04.3'N	75°37.2'W	PUNTA LUCRECIA
43.	20°41.9'N	74°49.9'W	CAYO HOA
44.	20°37.1'N	74°43.8'W	PUNTA GUARICO
45.	20°19.0'N	74°13.8'W	PUNTA FRAILE
46.	20°18.1'N	74°11.8'W	PUNTA AZULES
47.	20°15.5'N	74°09.0'W	QUEBRADO DEL MANGLE
48.	20°15.2'N	74°08.7'W	
49.	20°14.8'N	74°08.5'W	PUNTA MAISI
50.	20°13.6'N	74°08.1'W	
51.	20°13.1'N	74°07.9'W	
52.	20°12.7'N	74°07.8'W	PUNTA QUEMADO
53.	20°11.7'N	74°08.1'W	
54.	20°10.9'N	74°08.6'W	
55.	20°04.8'N	74°14.6'W	
56.	20°04.4'N	74°15.4'W	
57.	20°04.1'N	74°16.2'W	
58.	20°04.6'N	74°17.8'W	PUNTA CALETA
59.	19°55.0'N	74°59.0'W	
60.	19°54.3'N	75°01.3'W	
61.	19°53.9'N	75°04.9'W	
62.	19°53.4'N	75°09.4'W	
63.	19°52.9'N	75°18.2'W	
64.	19°52.6'N	75°21.4'W	
65.	19°52.9'N	75°29.6'W	
66.	19°52.9'N	75°32.3'W	
67.	19°53.4'N	75°35.2'W	
68.	19°53.6'N	75°36.4'W	
69.	19°57.8'N	75°52.6'W	PUNTA MORILLO
70.	19°57.3'N	75°57.9'W	PUNTA CABRERA
71.	19°57.3'N	76°00.4'W	
72.	19°57.7'N	76°04.3'W	
73.	19°57.9'N	76°05.9'W	
74.	19°58.8'N	76°11.1'W	
75.	19°58.0'N	76°19.2'W	
76.	19°57.3'N	76°21.3'W	PUNTA TABACAL
77.	19°56.9'N	76°31.2'W	PUNTA BAYANITA
78.	19°36.8'N	76°34.8'W	
79.	19°56.8'N	76°42.6'W	
80.	19°56.0'N	76°47.2'W	PUNTA TURQUINO
81.	19°53.3'N	76°58.7'W	
82.	19°53.2'N	76°59.4'W	
83.	19°53.2'N	77°00.8'W	
84.	19°53.2'N	77°04.4'W	
85.	19°53.6'N	77°07.8'W	
86.	19°51.2'N	77°21.0'W	
87.	19°50.8'N	77°23.8'W	

	LATITUDE	LONGITUDE	LOCATION
88.	19°50.8'N	77°25.2'W	PUNTA MONJE
89.	19°50.6'N	77°30.2'W	PUNTA ESCALERETA
90.	19°50.6'N	77°32.2'W	PUNTA PESQUERO DE LA ALEGRIA
91.	19°49.6'N	77°40.4'W	
92.	19°50.2'N	77°44.9'W	
93.	20°31.1'N	78°19.8'W	PUNTA CABEZA DEL ESTE
94.	20°32.2'N	78°23.0'W	PUNTA MACAO
95.	20°47.6'N	78°56.7'W	CAYO ANCLITAS
96.	20°52.2'N	79°03.3'W	PUNTA ESCONDIDO
97.	21°03.2'N	79°20.4'W	CAYO CINCO BALAS
98.	21°06.4'N	79°26.6'W	CAYO BRETON
99.	21°10.5'N	79°31.0'W	
100.	21°13.1'N	79°33.3'W	
101.	21°35.6'N	79°50.5'W	CAYO PUGA
102.	21°37.7'N	81°04.8'W	CAYO TRABUCO
103.	21°35.6'N	81°30.7'W	
104.	21°34.7'N	81°38.3'W	
105.	21°33.6'N	81°45.8'W	CABEZO DE LA ESTOPA
106.	21°28.4'N	82°12.8'W	CABEZO SAMBO
107.	21°26.5'N	82°50.3'W	
108.	21°26.2'N	82°53.0'W	
109.	21°26.3'N	82°53.8'W	CALETA DE AGUSTIN JOL
110.	21°28.0'N	83°04.2'W	CABO PEPE
111.	21°54.4'N	84°02.2'W	CABO FRANCES
112.	21°45.9'N	84°26.7'W	
113.	21°45.8'N	84°27.3'W	PUNTA LEONES
114.	21°45.2'N	84°30.2'W	
115.	21°45.1'N	84°30.6'W	
116.	21°48.6'N	84°48.1'W	PUNTA DEL HOLANDES
117.	21°48.6'N	84°48.6'W	
118.	21°49.6'N	84°55.0'W	
119.	21°49.7'N	84°55.2'W	
120.	21°50.1'N	84°55.9'W	PUNTA PERPETUA
121.	21°50.2'N	84°56.1'W	
122.	21°50.6'N	84°56.6'W	
123.	21°51.4'N	84°57.1'W	
124.	21°51.7'N	84°57.2'W	

B. ANALYSIS. The following comments regarding the Cuban straight baseline system are extracted from Limits in the Seas, No. 76, "Straight Baselines: Cuba," 28 October 1977:

By passing Decree-Law 1, Cuba joins approximately 55 other countries in creating straight baselines. The Cuban straight baselines listed in Article 2 of Decree-Law 1 are depicted on DMA/HC N.O. chart 27000. The 1977 law creates a system of straight baselines which completely envelops Cuba and its offshore islands as well as the U.S.-leased Guantanamo Naval Station. The system's total length measures 1,380.65 nautical miles and has 124 turning points for an average segment length of 11.14 nautical miles. Point 1 is situated on the southwestern point of Cuba, and the basepoints numerically extend clockwise about the island to No. 124 (and by implication to No. 1).

Table 1 classifies the baseline segments according to distance. The length of the various segments varies from 0.21 nautical miles (118-119) to 69.24 nautical miles (101-102). Approximately one-half of the baselines (66 of 123) are between 1.0 and 9.9 nautical miles in length. The system contains five segments (27-28, 31-32, 92-93, 101-102, and 110-111) longer than 50 nautical miles.

Table 1

DISTANCE BETWEEN
CUBAN STRAIGHT BASELINE SEGMENTS

Distance between Basepoints (Nautical miles)	Number of Baseline Segments
0.1-0.9	21
1.0-9.9	66
10.0-19.9	12
20.0-29.9	8
30.0-39.9	6
40.0-49.9	5
50 or longer	5

Points 1-10 of the Cuban straight baselines system define the general limits of the claimed historic bay of Guanahacabibes.

Between points 10-17 it appears (according to U.S. charts) that low-tide elevations on the Cuban fringing reefs have been utilized as basepoints for the system. From point 17 (Punta Gobernadora, west of Bahia Honda) through point 28, the Cuban coastline is neither indented nor fringed with islands. Beginning at about 81°10' West (near point 28) to approximately 77°40' West (between 37 and 38), the coastline is "fringed" with islands. From 77°40' West to No. 92, the southern entrance to the Gulf of Guacanayabo, the Cuban coastline again is not deeply indented or fringed with islands.

From point No. 92 to No. 93, the baseline extends northwestward across the mouth of the bay to connect with a line of cays that are oriented in the same general direction. A more northward-trending line to follow the entire string of cays, rather than this particular line of cays, would more aptly define the natural closing points of the geographic bay and hence the general direction of the coast.

The continuation along the line of cays from 93 through 100 generally conforms with State practice and the Convention. The extension of the system from 100 to 101 projects northwestward, seaward of a "thin" line of cays. From 101-102 the straight baseline continues nearly due west to Cayo Trabuco, an eastern cay of the Canary Archipelago, across an area that contains no islands for over 69 nautical miles. Moreover, the Cuban coast north of point 101 westward to Punta. Aristizabal is basically without indentation.

From 102 to 107, the straight baselines extend seaward of the Canary Archipelago cays to the Isle of Pines. Shorter straight baselines would follow more closely the general direction of the coast.

Lines 107-110 follow the southern coast of the Isle of Pines, which is neither indented nor fringed with islands.

West of the Isle of Pines, the straight baselines again depart from the actual general direction of the Cayos de San Felipe and extend seaward directly to Cape Frances. The departure advances the baseline approximately 25 nautical miles seaward. The next segment, 111-114, encloses a smooth coast; lines 114-115 close a juridical bay (Corrientes). The remainder of the system follows the relatively smooth coast of southwestern Cuba.

c. MARITIME BOUNDARIES

1. UNITED STATES-CUBA

A. AGREEMENT. As set forth in Article I of the agreement, the maritime boundary between the U.S. and Cuba shall be determined by geodetic lines connecting the following coordinates:

Latitude (north)	Longitude (west)
1. 23°55'30"	81°12'55"
2. 23°53'50"	81°19'44"
3. 23°50'50"	81°30'00"
4. 23°50'00"	81°40'00"

Latitude (north)	Longitude (west)
5. 23°49'03"	81°50'00"
6. 23°49'03"	82°00'12"
7. 23°49'40"	82°10'00"
8. 23°51'12"	82°25'00"
9. 23°51'12"	82°40'00"
10. 23°49'40"	82°48'54"
11. 23°49'30"	82°51'12"
12. 23°49'22"	83°00'00"
13. 23°49'49"	83°15'00"
14. 23°51'51"	83°25'50"
15. 23°52'25"	83°33'02"
16. 23°54'02"	83°41'36"
17. 23°55'45"	83°48'12"
18. 23°58'36"	84°00'00"
19. 24°09'35"	84°29'28"
20. 24°13'18"	84°38'40"
21. 24°16'39"	84°46'08"
22. 24°23'28"	85°00'00"
23. 24°26'35"	85°06'20"
24. 24°38'55"	85°31'55"
25. 24°44'15"	85°43'12"
26. 24°53'55"	86°00'00"
27. 25°12'25"	86°33'12"

B. ANALYSIS. On December 16, 1977, the Governments of the United States of America and the Republic of Cuba signed an agreement delimiting a maritime boundary in the Straits of Florida and eastern Gulf of Mexico. The parties agreed to provisional application of the agreement, effective January 1, 1978, pending permanent entry into force of the agreement following the exchange of instruments of the signing of this agreement. Notes have been exchanged on six occasions (every two years) extending the provisional application of the agreement. The latest agreement occurred December 26, 1989.

The 1977 negotiations leading to the maritime boundary agreement were one of the first formal and direct discussions the United States and Cuba held for many years. Each country had, in 1977, extended its maritime jurisdiction to 200 miles, Cuba claiming an exclusive economic zone, the United States claiming an exclusive fishing zone. Since the two countries are less than 400 miles apart there exists an area in the southern portion of the Straits of Florida and eastern Gulf of Mexico where their respective claims overlap.

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The United States does not recognize Cuba's straight baselines along its northern coast on the grounds that the geographic conditions, as prescribed under international law, are not met. Specifically, Cuba's coastline is neither deeply indented nor fringed with islands in this area. The United States does not claim straight baselines along its coast. Cuba gains an advantage over the United States in the eastern part of the boundary if an equidistant line is created by using Cuba's straight baselines against the United States low-water line. The western portion of the boundary was not influenced by Cuba's straight baselines.

To avoid an impasse in the talks, Cuba and the United States agreed to calculate an equidistant line from the relevant basepoints on their respective low-water lines and a second equidistant line from the Cuban straight baselines and comparable hypothetical construction lines separated by as much as approximately three miles. A compromise line was then negotiated that ran between these two equidistant lines, essentially dividing the intervening area equally between them. Comparing the negotiated boundary line to the original line published by the United States in March 1977, the United States gained a net area of approximately 235 square nautical miles; a slight area loss in the eastern part of the boundary area, offset in the central and western portions of the boundary.

The boundary consists of 27 turning and terminal points and is 313.4 miles long. In the east, the starting point is a tripoint, approximately 40 miles distant from the coasts of the Bahamas (Cay Sal), Cuba, and the United States. From the tripoint the boundary extends in a general westward direction until turning point 13; it then turns in a northwestward direction until reaching the terminus, 200 miles from the Cuban and U.S. coasts. The distance between boundary turning points ranges from 2.12 miles (between points 10 and 11) to 35.34 miles (between points 26 and 27) and averages about 12 miles.

The boundary separates all types of maritime jurisdiction permitted under international law. At the time the treaty was signed, Cuba claimed a 200-mile exclusive economic zone and the United States a 200-mile fishery zone. Subsequent to the signing the United States, in 1983, claimed a 200-mile exclusive economic zone.